



ఆంధ్రప్రదేశ్ రాజ పత్రము
THE ANDHRA PRADESH GAZETTE
PUBLISHED BY AUTHORITY

PART V EXTRAORDINARY

No.42

AMARAVATI, TUESDAY, OCTOBER 18, 2022

G.1071

**STATUTORY NOTIFICATIONS OF THE ELECTION COMMISSION OF
INDIA AND OTHER ELECTION NOTIFICATIONS**

--X--

**NOTIFICATIONS BY GOVERNMENT
GENERAL ADMINISTRATION (ELECTIONS) DEPARTMENT**

--X--

BYE-ELECTIONS TO THE ANDHRA PRADESH LEGISLATIVE ASSEMBLY, 2017 –
DISQUALIFICATION ORDER OF THE CONTESTING CANDIDATES –
REPUBLISHED.

[Memo. No.4796/Elecs.A/A1/2017-15, Office of the Chief Electoral Officer, Andhra Pradesh, Dated: 18.10.2022]

The following Order of the Election Commission of India, New Delhi,
No.100/ECI/TERR/SOU3-AP/2017, dated 10th OCT, 2022 / 18 Asvina, 1944 (Saka) is
re-published:-

ORDER

WHEREAS, the Bye- Election for 139- Nandyal Assembly Constituency of Andhra Pradesh Legislative Assembly, 2017 was announced by the Election Commission of India vide Press Note No. ECI/PN/64/2017, dated 27th July, 2017; and

WHEREAS, as per Section 78 of the Representation of the People Act, 1951, every contesting candidate has to lodge a true copy of his account of election expenses within 30 days with the concerned District Election Officer, from the date of election of the returned candidate; and

WHEREAS, the result of the bye-election for 139- Nandyal Assembly Constituency was declared by the Returning Officer on 28th August, 2017 and hence the last date for lodging the account of Election Expenses was 27th September, 2017; and

WHEREAS, as per the report dated **04th October, 2017** submitted by the District Election Officer, Kurnool District, Andhra Pradesh, **Shri/Smt/Km/Ms. Bala Subbaiah. A**, a contesting candidate for bye-election to 139- Nandyal Assembly Constituency of Andhra Pradesh has failed to lodge account of election expenses, as required under law; and

WHEREAS, on the basis of the said report of the District Election Officer, Kurnool a Show-Cause notice No. 100/AP-LA/139/2017, dated 07th June, 2018 was issued under sub rule (5) of Rule 89 of the Conduct of Elections Rules, 1961 by the Election Commission of India to **Shri/Smt/Km/Ms. Bala Subbaiah. A**, for not lodging of account of Election Expenses; and

WHEREAS, under sub rule (6) of Rule 89 of the Conduct of Elections Rules, 1961, through the above said Show Cause Notice, **Shri/Smt/Km/Ms. Bala Subbaiah. A**, was directed to submit representation in writing to the Commission explaining the reason for not lodging the account and also to lodge account of election expenses with the District Election Officer, Kurnool within 20 days from the date of receipt of the notice; and

WHEREAS, the District Election Officer, Kurnool, vide his letter no. Rc. HI/1251(2017)/22 dated 12.09.2022 reported that the said notice was served to **Shri/Smt/Km/Ms. Bala Subbaiah. A**, on **12.03.2021 and 20.05.2021**; and

WHEREAS, the District Election Officer, Kurnool in his Supplementary report no. Rc. HI/1251(2017)/22 dated **12.09,2022**, reported that **Shri/Smt/Km/Ms. Bala Subbaiah. A**, has not submitted account of election expenses. Further, after receipt of the said notice, **Shri/Smt/Km/Ms. Bala Subbaiah. A**, has neither furnished any reason nor explanation to the Election Commission of India, for failure to lodge the account as prescribed under law; and

WHEREAS, Section 10 A of the Representation of the People Act, 1951 provides that :-
"If the Election Commission is satisfied that a person-

- (a) has failed to lodge an account of election expenses, within the time and in the manner required by or under this Act, and*
- (b) has no good reason or justification for the failure,*
the Election Commission shall, by order published in the Official Gazette, declare him to be disqualified and any such person shall be disqualified for a period of three years from the date of the order.";

WHEREAS, on the basis of facts and available records, the Commission is satisfied that **Shri/Smt/Km/Ms. Bala Subbaiah. A**, has failed to lodge account of election expenses and has no good reason or justification for the failure to do so; and

NOW, THEREFORE, in pursuance of Section 10A of the Representation of the People Act, 1951, the Election Commission of India hereby declares **Shri/Smt/Km/Ms. Bala Subbaiah. A**, H. No 29-7/F.B, Tekke, Nandyal Town, Kurnool District, Andhra Pradesh and a contesting candidate for bye-election to 139-Nandyal Assembly Constituency of the State of Andhra Pradesh, to be disqualified for being chosen as and for being a member of either House of Parliament or the Legislative Assembly or Legislative Council of a State or Union Territory for a period of three years from the date of this order.

By order,

AVINASH KUMAR,
Principal Secretary,
Election Commission of India.

MUKESH KUMAR MEENA,
Chief Electoral Officer,
Andhra Pradesh.